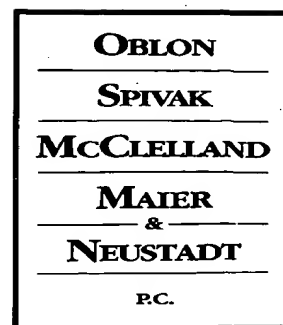




IFU 2155



ATTORNEYS AT LAW

Docket No.: 206611US2RD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/842,862
Applicants: Atsushi INOUE, et al.
Filing Date: April 27, 2001
For: NETWORK SYSTEM USING DEDICATED
DOWNLINK NETWORK AND BIDIRECTIONAL
NETWORK
Group Art Unit: 2155
Examiner: NAWAZ, ASAD.

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 206611US2RD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ATSUSHI INOUE, ET AL. : EXAMINER: NAWAZ, ASAD M.
SERIAL NO: 09/842,862 :
FILED: APRIL 27, 2001 : GROUP ART UNIT: 2155
FOR: NETWORK SYSTEM USING :
DEDICATED DOWNLINK NETWORK
AND BIDIRECTIONAL NETWORK

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated December 4, 2006, Applicants provisionally elect with traverse Group I, Claims 1 and 2, drawn to a network system in which when a radio terminal enters a radio area of the radio base station, it is configured to transmit the request message after receiving the notification message via the first interface of a plurality of interfaces, classified in class 709, subclass 239 for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Application No. 09/842,862
Reply to Office Action of December 4, 2006

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1, 2, 5-7, 9-14, 16, and 21-27 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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